

THE HON'BLE MS. JUSTICE G. ROHINI

W.P.No. 2646 of 2005

Herard the learned counsel on either side.

The petitioner claims to be a member of the 3rd respondent-society. It is alleged that the president of the 3rd respondent society, 4th respondent herein, was disqualified U/s 21-A(1A) of the A.P.Co-operative Societies Act, 1964 (for short the "Act") and that apart he is also guilty of misappropriation of funds of the society.

The grievance of the petitioner is that though the petitioner along with several other members of the society made several complaints requesting to take action against the 4th respondent, the 2nd respondent failed to consider the same. Hence this writ petition is filed seeking Mandamus declaring the alleged action of the 2nd respondent in not taking appropriate action against the 4th respondent on the complaints made by the petitioner and other members of the 3rd respondent society as arbitrary and illegal and for a direction to the 1st respondent to take action against respondents 2 and 4 as per provisions of the Act and for a further direction to take immediate action for conduct of elections to the post of president and directors of the 3rd respondent-society.

The petitioner has placed before this court the copies of the representations including the representations dated 10-9-2003 and 10-2-2005 made by the petitioner complaining about the alleged misappropriation of funds by the 4th respondent.

Having regard to the facts and having heard the learned counsel for both parties and keeping in view the fact that the 2nd respondent is the competent authority under the Act to conduct necessary enquiry into the allegations made against the 4th respondent, without expressing any opinion as to the correctness of

the allegations made by the petitioner, the writ petition is disposed of with a direction to the 2nd respondent to consider the complaints made by the petitioner and the other members of the 3rd respondent-society and dispose of the same as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order and in accordance with law.

It is needless to mention that due opportunity shall be afforded to the 4th respondent to rebut the allegations made against him before passing any order on the basis of the representations made by the petitioner. No costs.

25th October, 2005

BJ/